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Limited Exemption for CIA Under FOIA Now Acceptable

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The Central Intelligence Agency, which pressed last year to have all its files exempted from public scrutiny under the Freedom of Information Act, has told congressional leaders it is now willing to live with a limited exemption.

CIA spokesman Dale Peterson said yesterday the agency will support a bill introduced last week by Sen. Barry Goldwater (R-Ariz.), chairman of the Senate Intelligence Committee, that would give only the agency's so-called "operational files" a blanket exemption from disclosure.

These files keep track of the way the covert agency gathers intelligence.

Under the Goldwater bill, which agency lawyers helped to draft, the CIA would not even have to bother to respond to requests for such information.

Political, economic and scientific information gathered by the agency in its intelligence work would still be accessible through FOIA requests, provided the information is unclassified and its release would not endanger national security.

"We would have preferred a total exemption," Peterson said, "but looking at the real world, we concluded that we are better off trying to get the exemptions that are the most important to us."

John Shattuck, director of the local chapter of the American Civil Liberties Union, which has sparred with the CIA in court over public

access issues, welcomed the change in the agency's position.

"We still have many questions about this, but to the extent that no information that is subject to disclosure now would be protected additionally under the new formulation, the bill would be reasonable," Shattuck said.

Spokesman for both the CIA and the ACLU said one major benefit of the new law would be to speed up the now cumbersome process in the CIA for FOIA requests.

"This is going to help us cut down on the workload," said Peterson.

"Now we spend lots of time searching for material that we know we will never release because it is operational. This exemption would spare us the need to make fruitless searches."

That would free the agency to concentrate on requests more likely to yield releasable documents.

At present, the CIA has a backlog of more than two years on FOIA requests.

The FOIA, enacted in 1966 and strengthened in 1974, gives citizens reasonable access to government documents.

Last year, conservatives in Congress introduced amendments to scale back public access across the board, but they never reached the Senate floor.

A new bill is under consideration in the Senate Judiciary Committee. The Goldwater partial exemption for the CIA is in a separate bill that will be considered by the Senate Intelligence Committee.